



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 16 2010

OFFICE OF PETITIONS

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Patent No. 7,556,801
Issued: July 7, 2009
Application No. 10/758,644
Filed: January 15, 2004
Dkt. No.: 07588/026003

: DECISION ON APPLICATION FOR
: PATENT TERM ADJUSTMENT and
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION
:

This is a decision on the petition filed on September 4, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 595 days. Patentees request this adjustment on the grounds that the Office failed to issue the patent within three years of its filing date and also advise that 595 days, rather than 484 days, is the correct amount of applicant delay.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by 595 days is **GRANTED**.

The "A delay" totals 215 days. The "B delay" totals 904, as argued. The amount of overlap between the two periods totals 40 days.

The applicant delay is 484 days, as advised; the Office having neglected to assess a reduction of 108 days in accordance with 37 CFR 1.704(c)(7) in connection with the reply filed August 18, 2006 and the Office having neglected to assess a reduction of 42 days in accordance with 37 CFR 1.704(c)(8) in connection with the information disclosure statement filed June 27, 2007.

The Office acknowledges the previous submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 595 days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,556,801

DATED : July 7, 2009

DRAFT

INVENTOR(S) : Wernet

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 570 days

Delete the phrase "by 570 days" and insert – by 595 days--